

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Petition Pursuant to 47 U.S.C. § 160)	WT Docket No. 01-184
For Partial Forbearance From the)	
Commercial Mobile Radio Services)	
Number Portability Obligation)	

To: Chief, Wireless Telecommunications Bureau

COMMENTS OF ALLTEL COMMUNICATIONS, INC.

In response to the Commission's request by public notice, ALLTEL Communications, Inc. ("ALLTEL") hereby files its comments on the petition by Verizon Wireless for forbearance from the wireless number portability requirements (the "Petition").¹ ALLTEL is a prominent provider of mobile communications and part of the diversified family of ALLTEL companies, which include incumbent local exchange carriers (ILEC), competitive local exchange carriers (CLEC), long distance, Internet, and information services. ALLTEL serves approximately 6.4 million wireless subscribers nationwide, predominantly in rural areas and mid-sized urban areas in the Southeast. ALLTEL also has substantial service territories in the Southwest and Midwest.

ALLTEL supports the Petition, and believes that Verizon has made an overwhelmingly persuasive case in support of forbearance of the portability mandate. ALLTEL, like Verizon Wireless and numerous other carriers, has confirmed that the network-related changes necessary to implement both pooling and portability constitute only a fraction of the total effort necessary to implement full portability. Well beyond the LRN capabilities required for pooling, portability

also requires significant changes to essential systems, such as business processes, trouble management, intercarrier communication, training, and customer service, that directly affect carriers' ability to provide service to subscribers. ALLTEL concurs with the wireless industry's oft-stated position that the current status of the wireless market has overtaken the Commission's earlier assessments of the need for wireless number portability to spur competition. The wireless industry is now, and has been robustly competitive. Given industry churn rates, customers already show that they are more than willing to switch wireless providers if they are unsatisfied. Further, the Commission should take this opportunity to forbear from the portability requirement in view of the numerous other, and more important, mandates confronting carriers that must be implemented in the same approximate timeframes as portability.²

ALLTEL incorporates Verizon's arguments as presented in the petition and further presents the case for forbearance from the perspective of a mid-sized carrier serving many rural markets. This is a vastly different perspective from that of a large carrier serving mostly metropolitan markets such as Verizon. Because small and mid-sized carriers have more limited resources yet face competition from far larger carriers with far greater economies of scale and scope, the burdens and risks of these concurrent mandates fall more heavily upon them. In light of each of these issues, ALLTEL argues that the Commission must grant forbearance from the portability requirements to ALLTEL and all wireless carriers.

¹ *WTB Seeks Comment on Wireless LNP Forbearance Petition Filed by Verizon Wireless*, WT Docket No. 01-184, Public Notice, DA 01-1872 (rel. Aug. 7, 2001). Verizon Wireless' Petition was filed on July 26, 2001. *Id.*

² In this connection, the Commission must note that wireless number portability is nowhere mandated by the Telecommunications Act of 1996 (or the Communications Act generally) and that, during the period of forbearance granted in response to the CTIA petition, the wireless industry has gotten increasingly competitive, and not less so. See, e.g., *Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993; Annual Report and Analysis of Competitive Market Conditions With Respect to Commercial Mobile Services*, Sixth Report, FCC 01-192 (rel. July 17, 2001), at 5-6. ALLTEL believes that the best course of preserving and augmenting wireless competition is to continue to permit carriers to devote their resources to

I. REQUIRING WIRELESS CARRIERS TO BEGIN POOLING AND PORTING IN NOVEMBER 2002 INCREASES THE RISK OF CUSTOMER-AFFECTING NETWORK RELIABILITY PROBLEMS

The imposition of number portability on a robustly competitive wireless industry in the near term will place such enormous demands on carriers' systems that network reliability problems are inevitable. As discussed in more detail below, number pooling is less burdensome on these systems and may ultimately be the inevitable solution to a competitive industry's need for adequate numbering resources. But, because of the consumer impacts of these network reliability concerns, forbearance from the portability requirement is clearly in the public interest, and will protect consumers from harm.³

It is unclear whether the number portability infrastructure is prepared for the wireless industry to join on a flash-cut basis in 2002. It is true that the wireline industry already has implemented number portability. Yet the wireless industry is vastly different from the wireline industry in a number of important and oft-stated respects. Unlike the wireline industry, where competition is nascent, the wireless industry is vigorously competitive. According to the most recent data cited by the Commission, approximately one in five wireless subscribers switch carriers per year – even in the absence of wireless number portability.⁴ In a future wireless portability environment many of these customers will not choose to retain their telephone number when they switch carriers, for they are not required to do so. Presuming that a portion of migrating subscribers will want to retain their numbers, however, and given that there are

meeting other, more critical mandates and continued build-out of their systems. These critical public interest mandates include CALEA, E-911, and Number Pooling.

³ 47 USC § 160(a)(2)-(3).

⁴ *Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993: Annual Report and Analysis of Competitive Market Conditions With Respect to Commercial Mobile Services*, Sixth Report, FCC 01-192 (rel. July 17, 2001), at 23.

currently approximately 110 million wireless subscribers,⁵ even a small percentage will translate into an enormous jump in porting volume on November 24, 2002.

Yet, significant questions remain as to whether the Number Portability Administration Center (NPAC) system will be able to accommodate the increase in porting volume that will inevitably result from the inclusion of 110 million new subscribers into the system. The NPAC software that incorporates Efficient Data Representation (EDR) (NPAC version 3.0), which allows the system to transmit blocks of port requests in a single transaction, is still being tested. As a result, most existing number pools are operating without the benefit of EDR. The Commission has recognized that the availability of EDR is "critical for a nationwide pooling architecture."⁶ Nevertheless, the current NPAC software, which lacks EDR, may be sufficient to accommodate the introduction of number pooling, as it has accommodated the existing pooling trials. ALLTEL does not believe, however, that it would be advisable to require the wireless industry to begin both pooling *and* porting in the absence of credible assurances that NPAC 3.0 will be available and fully tested in time to meet the November 2002 deadline.⁷

In addition, while the administrative requirements for number *pooling* are well established for the industry as a whole, the administrative requirements for number *portability* do not yet fully accommodate the integration of the wireless industry. Pursuant to the Commission's rules, number portability is to be administered consistent with the North American Numbering Council's Local Number Portability Administration Selection (LNPA)

⁵ *Id.* at 21.

⁶ *Numbering Resource Optimization*, CC Docket No. 99-200, First Report & Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 7574, 7657 (2000).

⁷ NPAC 3.0 originally was scheduled to be implemented in July 2000, but at this time remains in testing in a single NPAC region. ALLTEL is not aware that the performance problems with NPAC 3.0 have yet been resolved.

Working Group Report dated April 25, 1997.⁸ That Report, however, was based on assumptions that “explicitly excluded wireless.”⁹ The Report stated that the LNPA Working Group’s role should continue in order to oversee the changes necessary to include wireless carriers into the portability regime,¹⁰ and the Commission’s rules contemplate that number portability administration issues will be resolved under the auspices of the NANC.¹¹ To this end, the LNPA Working Group continued its efforts and released a report in 1998 on wireless-wireline integration.¹² Although that report addressed many issues related to wireless-to-wireless porting, it did not reach consensus on “inter-species” porting between wireless and wireline carriers.¹³

To date, significant standards for inter-species porting still do not exist. For example, there is an enormous discrepancy between the Service Order Activation (SOA) timers between the two industry segments, with the wireless time limit set at 2.5 hours while the wireline limit is 4 days. What is the applicable inter-carrier time limit for a wireline-to-wireless port? The answer is unknown. Given the fact that this issue has remained unresolved for the past three years, it appears highly unlikely that it will be resolved prior to the November 2002 deadline.

Further, if the one of the potential goals of implementing wireless number portability is to encourage competition between the wireless and wireline industries,¹⁴ it is important that these

⁸ 47 CFR § 52.26(a).

⁹ *North American Numbering Council Local Number Portability Administration Selection Working Group Report*, April 25, 1997, at 8.

¹⁰ *Id.* at 28.

¹¹ 47 CFR § 52.26(a)(3).

¹² *North American Numbering Council Local Number Portability Administration Working Group Report On Wireless Wireline Integration*, May 8, 1998.

¹³ *Id.* at 22.

¹⁴ *Cellular Telecommunications Industry Association’s Petition for Forbearance*, WT Docket No. 98-229, Memorandum Opinion & Order, 14 FCC Rcd 3092 (1999) at para. 40. To the extent that the Commission believes that wireless LNP is important to spur competition within the wireless industry, ALLTEL disagrees, and directs the Commission to the descriptions in the Petition of the very robust state of competition currently in the wireless industry. Petition at 16-19.

issues be resolved satisfactorily so that customer-affecting problems do not undermine the viability of such competition.

The Appendix to the Petition describes many of the technical problems that are presented by the implementation of portability, which are not presented by pooling alone. ALLTEL is aware of at least one additional technical issue not described in the Petition. The Appendix describes how carriers will need to load foreign MDNs on a per-number basis for each port-in activation.¹⁵ There is, however, a similar yet even larger impact for *port-out* situations. Carriers using CDMA technology will need to provision individual numbers within pooled blocks that have been ported out directly in the mobile switch. The ported-out indicator must be loaded during the port-out process. This per-subscriber level of provisioning is not done today, and would require new provisioning streams into the mobile switch that are not in place today. Indeed, in the absence of an automated system, the function would by necessity need to be accomplished on a manual basis – an unachievable undertaking even where a minimal amount of numbers need to be ported.

ALLTEL is also gravely concerned about the readiness of small rural wireless carriers outside the 100 largest MSAs for the portability deadline. As the Petition describes, the viability of nationwide roaming depends upon all wireless carriers' implementing LRN architecture, including MIN/MDN separation, by the cut-over deadline.¹⁶ Yet the Commission's mandate applies only to CMRS switches in the 100 largest MSAs.¹⁷ Thus, there is a regulatory disjoint for CMRS carriers outside the 100 largest MSAs. There is a practical need on the part of rural carriers to expend the resources to implement the technology to preserve roaming revenue but no

¹⁵ Petition at Appendix 10.

¹⁶ Petition at Appendix 3-5.

legal imperative either as to substance or the time in which these carriers adopt LRN architecture. Although ALLTEL is aware that carriers in the metropolitan areas are working with their rural roaming partners to ensure that customers' ability to roam will not be interrupted, the situation is tenuous and there is no guarantee that ubiquitous roaming, a long-time service goal of the Commission for mobile services, will be preserved. ALLTEL recognizes that the problems of rural CMRS carriers' readiness to accommodate roaming will arise even if the petition is granted and only pooling is implemented. ALLTEL believes, however, that this demonstrates the magnitude of the challenge that these twin mandates present to the reliability of nationwide CMRS networks, and further militates against implementing both mandates simultaneously.

Finally, the danger of requiring wireless carriers to implement both pooling and porting on the current deadline is all the greater because November 24 falls during the industry's holiday busy season. Industry statistics reveal that wireless carriers acquire a large percentage of their annual new customers during the months of November and December. Even without the need to implement the sweeping network changes that both pooling and portability require, ALLTEL's billing, number inventory, and customer service infrastructures are stretched thin during this period. As the Petition points out, however, the changes required to implement number pooling primarily involve *network* systems, while the additional changes required to implement portability primarily involve *customer-facing* systems such as billing and customer service – the very same systems that are most overburdened during the holiday busy season. ALLTEL concurs with the Petition that the Section 10 forbearance standard compels forbearance from the portability requirement indefinitely. At the very least, however, the portability deadline should

¹⁷ 47 CFR § 52.31(a).

be significantly extended so that carriers can implement the necessary changes to customer-facing systems *after* the 2002 holiday season.¹⁸

II. SMALLER WIRELESS CARRIERS FACE SERIOUS CHALLENGES TO IMPLEMENT BOTH POOLING AND PORTING CAPABILITIES, ALONG WITH OTHER REGULATORY MANDATES

Since the November 24, 2002 deadline for implementing number portability was established,¹⁹ ALLTEL has been working diligently towards meeting the deadline. In the intervening two years, however, a number of additional, network-related mandates have been imposed, with deadlines that intervene on the portability deadline. ALLTEL, has worked diligently to meet all these deadlines but the need to prioritize these earlier deadlines has affected its readiness for portability. The Commission should allow carriers to focus their implementation effort on the mandates that matter most.

The concurrent mandates that the wireless industry has faced over the last few years include number portability, number pooling, Communications Assistance for Law Enforcement (CALEA) capabilities, E-911 Automatic Location Identification (ALI), and 211, 511 and 711 abbreviated dialing. At the time the number portability mandate was adopted, the wireless industry already faced a mandate to provide E-911 location information by October 2001.²⁰ In August 1999, just six months after the current CMRS LNP deadline was established, the Commission required CMRS carriers to provide law enforcement agencies with access to the surveillance and wiretap capabilities specified in the "J-Standard" by June 30, 2000, and to

¹⁸ The Commission has previously concluded that wireless carriers should not be required to pool before the portability deadline. *Numbering Resource Optimization First Report & Order*, *supra* note 6, at para. 132.

¹⁹ *Cellular Telecommunications Industry Association's Petition for Forbearance from Commercial Mobile Radio Services Number Portability Obligations; Telephone Number Portability*, Memorandum Opinion and Order, 14 FCC Rcd 3092 (1999) ("CTIA Extension Order").

additional capabilities by September 30, 2001.²¹ Then, in the summer of 2000, the Commission imposed the requirement that carriers implement 211 dialing for public service organizations and 511 dialing for intelligent transportation systems,²² as well as the mandate for 711 dialing for Telecommunications Relay Services (TRS).²³ Carriers are required to implement the 711 dialing arrangement for TRS by October 1, 2001. Most recently, the Commission determined that wireless carriers also must implement number pooling on the number portability deadline, November 24, 2002.²⁴

That carriers in some cases have needed to seek extensions of these other deadlines as well indicates the significant effort that has been required to meet these mandates. It does not suggest any reticence on carriers' parts in seeking to implement the various requirements. ALLTEL recognizes the value of each of these new capabilities to the public – who are, after all, also ALLTEL's customers. But it is important to bear in mind that these mandates require carrier resources to implement. As noted above, smaller carriers with more limited resources face greater challenges because of the multiple mandates that have coincided.

ALLTEL has devoted considerable resources to meeting the portability deadline, as well as to these other mandates. ALLTEL has worked diligently within its own organization, as well as in the context of industry groups, to prepare for LNP implementation. It is important to note, however, that the CALEA, E-911 Phase II, and 711 dialing deadlines all preceded the LNP

²⁰ *Revisions of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, Report & Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 18676 (1996).

²¹ *Communications Assistance for Law Enforcement Act*, CC Docket No. 97-213, Third Report & Order, 14 FCC Rcd 16794 (1999).

²² *Use of N11 Dialing Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, Third Report and Order and Order on Reconsideration, 15 FCC Rcd 16753 (2000).

²³ *Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, Second Report & Order, 15 FCC Rcd 15188 (2000).

